

**CITIZENS' COMMISSION ON
JAIL VIOLENCE**

**NINTH REPORT
OF THE IMPLEMENTATION MONITOR**

EXECUTIVE SUMMARY

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INTRODUCTION

Since I submitted my Eighth Report on August 13, 2013, the Department implemented another two of the Commission's recommendations. The Department completed the last of its internal Administrative investigations of matters arising out of the Commission's investigation, and all of the high level managers who had direct or indirect oversight of the Department's jail operations have now left the Department. The Department also implemented a new management protocol that requires Captains to consult and articulate a factual and legal basis prior to modifying the charges and/or discipline for dishonesty, excessive force, or failure to report force.

The Department has submitted funding requests for 33 positions for a Custody Training and Standards Bureau, which would implement Commission recommendations 5.2, 5.3, 5.8 and 6.3, and six Compliance Lieutenants, which would implement recommendations 3.10, 7.8 and 7.9 (in part). In the period prior to my Eighth Report, the Chief Executive's Office recommended that the Board approve these requests. Also in that last period, the Chief Executive's Office recommended that the Board approve funding for an initial 25 additional sergeants to enhance supervision in the Department's Custody Operations. These recommendations are under review by the Board offices.

In the last period, the Department submitted to the CEO its detailed support for 1) additional resources for its Internal Affairs Bureau (IAB), Internal Criminal Investigations Bureau (ICIB), Advocacy Bureau, and Internal Investigations Division; 2) a new Inspectional Services Command; and 3) a total of 97 additional sergeants and two

additional lieutenants. The Consultants and I have reviewed and approved these funding requests, which are under review by the CEO. The Department also submitted its support for an upgraded Data Tracking System, which is under review by the CEO and the Chief Information Officer.

Finally, the Department submitted a request for funding for additional closed circuit television cameras, which the Board's Consultants reviewed pursuant to the CEO's request. Their analysis is summarized in the Discipline section of this Summary.

As reflected in the summary chart set forth below, the Department has now implemented 39 of the Commission's 60 recommendations directed to the Department.¹ It has partially implemented another 10 recommendations, and it is in the process of implementing another 11 recommendations.

Category	Implemented	Partially Implemented	In progress	Total	Funding Request
Use of Force	8	1	3	12	2
Management	12	0	2	14	2
Culture	5	3	0	8	3
Personnel/ Training	5	4	1	10	3
Discipline	8	2	5	15	5
Oversight	1	0	0	1	0
Total	39	10	11	60	15

¹ The Appendix attached to this Executive summary reflects the implementation status of each of the recommendations as of my Second Report (January 22, 2013), my Third Report (February 12, 2013), my Fourth Report (March 12, 2013), my Fifth Report (April 9, 2013), my Sixth Report (May 14, 2013), my Seventh Report (July 10, 2013), and my Eighth Report (August 13, 2013).

USE OF FORCE

Eight of the Commission's Use of Force recommendations have been implemented by the Department. On January 1, 2013, the Department promulgated a new Use of Force Policy (the "Force Policy"). Pursuant to the Commission's recommendations, the Department consolidated pertinent provisions of the Department's Manual of Policies and Procedures (the "MPP"), the Custody Division Manual, and the Court Services Manual relating to the use and reporting of force by Department personnel in a single Use of Force Manual that has been distributed to Deputy Sheriffs and Custody Assistants. Department personnel are required to acknowledge that they have read and understand the new Force Policy, and 98% of the Department's personnel have now received training in the fundamental principles of the policy.

Four of the Commission's Use of Force recommendations are either in progress or partially implemented. The Department has requested funding to upgrade its computer system (Recommendation 3.8) and for Compliance Lieutenants who will analyze inmate grievances at the unit level (Recommendation 3.10). On July 22, 2013, the CEO recommended that the Board approve funding for six Compliance Lieutenants. Recommendation 3.9 to track inmate grievances in PPI by deputy name and Recommendation 3.12 for additional body scanners do not require additional funding.

MANAGEMENT

Twelve of the Commission's Management recommendations have been implemented by the Department. The Sheriff has extensively re-organized the management of the Department. The Department now has four Assistant Sheriffs who are responsible for overseeing Custody Operations, Patrol Operations, Countywide

Services, and Administration & Professional Standards. Each Assistant Sheriff reports directly to the Sheriff, and the recently appointed Assistant Sheriff for Custody Operations is responsible for only the Custody Operations. She recently re-organized the Custody Operations into two Custody Services Divisions under Chiefs who report directly to her. An Administrative Commander who has been responsible for the implementation of the Commission's recommendations also reports directly to her.

The Department has completed its Administrative Investigations and all of the high level managers who had oversight responsibility for the jails during the period investigated by the Commission have retired from the Department. Based upon my conversations with Department personnel and review of the investigative files, I believe the retirements were due, at least in part, to the Administrative Investigations and/or the management changes implemented by the Sheriff. Although I believe that the process took too long – the high level managers retired over the period from March 2012 through August 2013 – at this point there is nothing further for the Department to do in order to hold these managers accountable and implement this recommendation.

With respect to the Commission's remaining Management recommendations, the Department is still conducting an assessment of its facility needs (Recommendation 4.11) and its proposal for the Inspectional Service Command (Recommendation 4.12) is under review by the CEO.

CULTURE

The Department has implemented five of the Commission's Culture recommendations. It has continued to emphasize respect for and communications with inmates through the Force Prevention Policy, the Education Based Incarceration program,

and Town Hall meetings. It has enhanced the training of new Custody personnel in the principles of the Force Prevention Policy, ethics, and destructive cliques. The Department also has established a Dual Track Career Path that provides deputies with opportunities for careers in the Custody Division and has enhanced the penalty guidelines for dishonesty to further address the culture problems identified by the Commission. Finally, each of the Unit Commanders has issued a unit directive providing for the rotation of deputies and Custody Assistants who have regular contact with inmates, taking into consideration the unique configuration and inmate population of each facility.

What remains to fully implement the Culture recommendations is for the Department to enhance its training for existing staff on force prevention principles, ethics, and destructive cliques (Recommendations 5.2, 5.3, and 5.8). Although there is ad hoc training in these areas, the Department is planning to formalize the training through the Custody Training and Standards Bureau, for which it has sought funding.

PERSONNEL AND TRAINING

The Department has implemented the Commission's Culture recommendations for a Dual Track for careers in Custody, meaningful probationary periods, and rotations within facilities. With respect to the remaining recommendations, on July 22, 2013, the CEO recommended that the Board approve funding for 33 positions for a Custody Training and Standards Bureau. (Recommendations 6.1, 6.3.)

Under the directions of the Assistant Sheriff for Custody, the Department has conducted a comprehensive analysis of the Custody Division staffing and supervision to determine the number of additional supervisors it needs in each of the jail facilities. (Recommendation 6.5.) The Consultants and I completed our evaluation of the

Department's requests, and on July 26, 2013, I submitted the Department's requests and our analysis to the CEO. In the interim, on July 22, 2013, the CEO recommended that Board approve funding for an initial 25 additional sergeant supervisor positions.

The Department froze 81 Deputy Sheriff positions to increase the ratio of Custody Assistants to Deputy Sheriffs, and it reports that it has now achieved the agreed upon 65/35 ratio. (Recommendation 6.7.)

DISCIPLINE

The Department has agreed to revamp its investigative and disciplinary system, to increase the number of force investigations by IAB and require that Administrative Investigations not be conducted by deputies' supervisors. The Department has now submitted to the CEO detailed proposal for additional resources for IAB, ICIB, its Advocacy Unit, and its Internal Investigations Division. (Recommendations 7.1, 7.6.) The CEO has recommended that the Board approve the Department's funding request for six Compliance Lieutenants. (Recommendations 7.8, 7.9.)

During this most recent period, the Department implemented a new management protocol that requires captains hearing employee grievances to consult with senior Department officials and the Office of Independent Review and they must articulate a factual and legal basis prior to modifying any findings and/or recommended discipline for dishonesty, excessive force, or failure to report force. (Recommendation 7.10.)

The Department has submitted to the CEO a request for funding for additional fixed CCTV cameras to "enhance[] the system at MCJ, TTCF, and IRC, as well as to expand it to all of the other custody facilities." This proposal is essentially in lieu of additional lapel cameras ("PVRDs") because the "Department believes that the risk of

investing in a technology that is rapidly evolving would likely mean that whatever product is purchased may be outdated before it is even deployed.” The CEO asked the Consultants and me to evaluate the Department’s request.

The Consultants believe that “[e]xpanded placement of CCTV cameras is needed, irrespective of any future decision to equip Deputies with PVRDs.” With respect to PVRDs, they “feel that the Department would benefit from a . . . limited and targeted testing in the jails” that could “be carried out in particular settings and situations such as controlled cell extractions or similar tactical deployments.”

The Consultants “concur with the Sheriff’s proposal in terms of the number of CCTV cameras being requested and the placement of those cameras in Men’s Central Jail, the Twin Towers Correctional facility and the Inmate Reception Center,” but they did not undertake their own evaluation of the number and placement of cameras in the other facilities. They also strongly urge that “audio recording capabilities be include in the proposal.”

LOOKING FORWARD

The Department should be able to staff the Custody Training and Standards Bureau by early next year and have the Compliance Lieutenants in place by the end of next month if those funding requests are approved by the Board this month. Depending upon when the Department’s requests for additional IAB/ICIB resources and for additional supervisors are approved by the Board, the Department may be able to implement the Commission’s recommendations to revamp the investigative system and enhance supervision by the end of the year. The remaining recommendations that do not require funding should be completed by the end of the year, if not sooner.

Appendix

IMPLEMENTATION COMPARISON

	Implemented	Partial	In progress	Not started
Second Report January 22, 2013	20	11	27	2
Third Report February 12, 2013	25	16	17	2
Fourth Report March 12, 2013	28	17	13	2
Fifth Report April 9, 2013	31	15	14	0
Sixth Report May 14, 2013	31	17	12	0
Seventh Report July 10, 2013	37	11	12	0

IMPLEMENTATION COMPARISON

	Implemented	Partial	In progress	Not started
Eight Report August 13, 2013	37	11	12	0
Ninth Report September 10, 2013	39	10	11	0